



U.S. Department of Justice

United States Attorney
Southern District of New York

50 Main Street, Suite 1100
White Plains, New York 10606

April 15, 2025

BY ECF

The Honorable Victoria Reznik
United States Magistrate Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. Travis Sinclair*, 23 Cr. 503 (PMH)

Dear Judge Reznik:

The Government respectfully writes in relation to the *pro se* request for counsel made by the defendant in the captioned case, which has been referred to Your Honor by Judge Halpern. *See* Dkt. 80, 82.

By way of background, in 2022, defendant Travis Sinclair—while on supervised release for a prior federal case—robbed the owner of an auto body shop in Mount Vernon and discharged a firearm. On November 29, 2023, Sinclair pled guilty, pursuant to a plea agreement, to one count of Hobbs Act robbery. Sinclair also admitted to violating the terms of his supervised release. On December 12, 2024, Judge Halpern sentenced Sinclair to 144 months’ imprisonment, to be followed by a consecutive sentence of 60 months’ imprisonment for his violation of supervised release. Judgment was entered the next day, and the time to file a direct appeal has long expired.

By letter dated March 5, 2025, Sinclair “request[ed] appointment of counsel to help [him] file/prepare a 2255 or 3582 motion.” Dkt. 78. In his letter, Sinclair’s sole contention is that his sentence was based on a “career offender enhancement which put [him] at a higher sentence than if [he] was not a career offender.” Dkt. 78. But Sinclair was not sentenced as a career offender at all. After Sinclair submitted his request, his former counsel filed a letter noting that Sinclair was “clearly claiming ineffective assistance of counsel” and “request[ing] new counsel be assigned to assist Mr. Sinclair in filing a habeas petition or to seek whatever relief they deem appropriate.” Dkt. 79. On March 13, 2025, this Court so-ordered counsel’s request and directed the parties to the magistrate change for a change of counsel proceeding. Dkt. 80.

On April 14, 2025, the Government filed a letter asking for clarification as to whether the magistrate judge should, in the first instance, determine whether appointment of counsel is appropriate. *See* Dkt. 81. The Government noted it is well settled that there is no right to counsel in habeas proceedings, *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (“We have never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions.”), unless the Court determines that an evidentiary hearing is required or “that the interests of justice so require,” 18 U.S.C. § 3006A(a)(2). There is likewise no right to counsel to

¹ The Government understands that Sinclair is currently housed in Florida at USP Coleman I.